

Article 32

SUB-CONTRACTING

- A. The Employer recognizes its obligation to utilize bargaining unit employees in accordance with the merit principles of the Civil Service Commission. The Employer reserves the right to use contractual personal services in accordance with Civil Service Rules and Regulations.
- B. The Employer agrees to make reasonable efforts (not involving a delay in implementation) to avoid or minimize the impact of such sub-contracting upon bargaining unit employees.
- C. Whenever an agency's preliminary evaluation indicates contracting personal services may be in the best interests of the state and further evaluation is in order, the union will be sent written notification. The union may request a meeting with the Employer to discuss the issue.

Whenever the Employer intends to contract out or sub-contract personal services, or modify or renew such services, the Employer shall, as early as possible, but no later than the time the request is sent to Civil Service and at least fifteen (15) calendar days prior to implementation, give written notice of its intent to the Union. Such notice shall consist of a copy of all the documentation sent to Civil Service which shall include such matters as:

- 1. The nature of the work to be performed or the service to be performed;
 - 2. The proposed duration and cost of such sub-contracting;
 - 3. The rationale for such sub-contracting.
- D. The Employer shall upon written request, meet and confer with the Union over the impact of the decision upon the bargaining unit. Such discussions shall not serve to delay implementation of the Employer's decision.
- E. Nothing provided in this Section shall prohibit the Union from challenging the planned contracting or sub-contracting before the Civil Service Commission, nor from appealing a departmental action which it alleges violates Civil Service Rules and Regulations. The Employer's decision to contract or sub-contract is not grievable under Article 9 of this Agreement and no arbitrator has jurisdiction over either the Employer's decision to contract or sub-contract or the approval by the Department of Civil Service of the Employer's request to contract.
- F. If the request is a renewal of, or a new request for blanket pre-authorization of a particular service, the Union shall be noticed no later than the time the request is sent to Civil Service. This notice shall contain a copy of the request, and all related background materials sent to Civil Service.

G. Where no CS-138 is required, the Employer shall submit a copy of the contract to the Union, no later than ten week days prior to the execution of the contract.